

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

against

RUBEN WEIGAND, and
HAMID AKHAVAN a/k/a "Ray
Akhavan",

Defendants.

No. 20-CR-188 (JSR)

**SUPPLEMENTAL DECLARATION OF
OKORIE OKOROCHA IN SUPPORT OF
DEFENDANT AKHAVAN'S OPPOSITION
TO REMAND**

SUPPLEMENTAL DECLARATION OF OKORIE OKOROCHA

I, Okorie Okorocha, declare as follows:

1. I make this supplemental declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. I have reviewed lab results for Hamid Akhavan for supervised urine tests collected daily from August 22 through August 29, 2020, a true and correct copy of which is attached as Exhibit A ("Test Results History").

3. Mr. Akhavan tested negative for all drugs screened, including cocaine metabolite and buprenorphine, the active ingredient of Suboxone.

4. The only positive detections in the test results were for Ethyl Glucuronide and Ethyl Sulfate on August 27 and August 29, 2020, which are associated with drinking alcohol. Under the terms of Mr. Akhavan's conditions of release, a true and correct copy of which is attached as Exhibit B ("Conditions of Release"), Mr. Akhavan is allowed to consume alcohol.

5. The Test Results History show that Mr. Akhavan tested negative for the active ingredient of Suboxone each day for a week after his alleged Suboxone positive screening "Handheld Test" at Inland Valley Recovery System ("IVRS") on August 21, 2020. It is extremely unlikely to be positive for Suboxone one day (August 21, 2020) and be negative the

very next day (August 22, 2020), since Suboxone typically lasts in a user's system between two weeks and one month. Accordingly, the Test Results History further bolsters my opinion that the Handheld Test showing allegedly positive results for Suboxone is entirely unreliable and flat-out inaccurate.

6. Moreover, it appears the confirmatory testing instruments used to test Mr. Akhavan's daily urine samples between August 22 and August 29, 2020 are sophisticated and detailed because of the high specificity for a wide-range of drugs. When compared to the Handheld Test, which is an unsophisticated, rudimentary, preliminary screening test, it is clear the test results for Mr. Akhavan after his discharge from IVRS are much more accurate and reliable.

7. In summary, it is my opinion that the Test Results History, attached hereto, are the only results the court should consider when determining whether to violate Mr. Akhavan. These results show Mr. Akhavan did not have any drugs in his system, and thus, he should not be found in violation of his Conditions of Release.

I declare that the foregoing is true and correct.

Executed on this 2nd day of September, 2020, at Pasadena, California.



Okorie Okorocha

Supplemental Okorocha Declaration Exhibit A

Hamid Reza Seyed Akhawan ♂ 2020-391329

Birthdate: 03/02/1978

Allergies: No Known Allergies/NKA

Admission: 08/22/2020 Care Team

Test Results History

Result Description ▲	08/22/2020 12:16 PM	08/23/2020 12:20 PM	08/24/2020 10:11 AM	08/25/2020 10:21 AM	08/26/2020 01:24 PM	08/27/2020 01:55 PM	08/28/2020 07:24 PM	08/29/2020 03:28 PM
4-ANPP Quantification [4ANPP_QUAL] Millennium Health	Fen Neg Normal							
4-FiBF Quantification [4FIBF_QUAL] Millennium Health	Fen Neg Normal							
5F-ADB-M7 [SCAN18_QUAL] Millennium Health	Negative Normal							
6-MAM (Heroin metabolite) Quantification [19322-7] Millennium Health	Negative Normal							
7-Amino-Clonazepam Quantification [58365-8] Millennium Health	Negative Normal							
7-OH-Mitragynine (Kratom alkaloid) Quantification [KRA2_QUAL] Millennium Health	Negative Normal							
AB-FUBINACA-M3 [SCAN19_QUAL] Millennium Health	Negative Normal							
Acetyl fentanyl Quantification [ACETYL芬.Qual] Millennium Health	Fen Neg Normal							
Acetyl norfentanyl Quantification [ACETYNORFEN_QUAL] Millennium Health	Fen Neg Normal							
Acryl fentanyl Quantification [ACRYLFEN_QUAL] Millennium Health	Fen Neg Normal							
Alpha-Hydroxyalprazolam Quantification [19326-8] Millennium Health	Negative Normal							

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
Amitriptyline Quantification [16225-5] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Amphetamine Quantification [19344-1] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Aripipazole Quantification [ARI_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Buprenorphine Quantification [16208-1] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Butalbital Quantification [18385-5] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Butyryl fentanyl Quantification [BUTYRYLFEN_QUAL] Millennium Health	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal
Carfentanil Quantification [CARFEN_QUAL] Millennium Health	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal
Carisoprodol Quantification [58426-8] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
cis-3-methylfentanyl Quantification [3METHYLFEN_QUAL] Millennium Health	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal
Citalopram/Escitalopram Quantification [CIT_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Clozapine Quantification [CLOZ_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Cocaine metabolite Quantification [14315-6] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Codeine Quantification [16197-6] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
CREATININE (CHEMICAL) [19150-2] Millennium Health	normal-39.1 Normal	normal-42.8 Normal	normal-178.1 Normal	normal-44.6 Normal	normal-169.6 Normal	normal-220.0 Normal	normal-116.1 Normal	normal-146.3 Normal

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
cTHC (Marijuana metabolite) Quantification [THC2_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Cyclobenzaprine Quantification [61409-9] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Cyclopropyl fentanyl Quantification [CYCLOPROPEN_QUAL] Millennium Health	Fen Neg Normal	Fen Neg Normal	Fen Neg Normal					
cZolpidem Quantification [ZOLP2_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Desipramine Quantification [61412-3] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Desmethylvenlafaxine Quantification [VENLAF2_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Dextromethorphan Quantification [DEX1_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Duloxetine Quantification [DULOX1_QUAL] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
EDDP (Methadone metabolite) Quantification [58428-4] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
ETHANOL [42242-8] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal
Ethyl Glucuronide Quantification [58377-3] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Positive- 36005.208 Abnormal	Negative Normal	Positive- 4366.695 Abnormal
Ethyl Sulfate Quantification [58424-3] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Positive- 9833.571 Abnormal	Negative Normal	Positive- 1264.587 Abnormal
Fentanyl Quantification [40839-3] Millennium Health	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal	Negative Normal

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
Fluoxetine Quantification [19471-2] Millennium Health	Negative Normal							
Furanyl fentanyl Quantification [FURANYLFEN_QUAL] Millennium Health	Fen Neg Normal							
Gabapentin Quantification [GPEN2_QUAL] Millennium Health	Negative Normal							
Haloperidol Quantification [HALO_QUAL] Millennium Health	Negative Normal							
Hydrocodone Quantification [19483-7] Millennium Health	Negative Normal							
Hydromorphone Quantification [18473-9] Millennium Health	Negative Normal							
Hydroxybupropion Quantification [HBUP_QUAL] Millennium Health	Negative Normal							
Hydroxylisuperidone Quantification [HRISP_QUAL] Millennium Health	Negative Normal							
Imipramine Quantification [61418-0] Millennium Health	Negative Normal							
JWH018 metabolite Quantification [SCAN7_QUAL] Millennium Health	Negative Normal							
JWH073 metabolite Quantification [SCAN8_QUAL] Millennium Health	Negative Normal							
Ketamine Quantification [17033-2] Millennium Health	Negative Normal							

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
Levorphanol / Dextrophan Quantification [DEX2_QUAL] Millennium Health	Negative Normal							
Lorazepam Quantification [16205-7] Millennium Health	Negative Normal							
MDMA Quantification [19569-3] Millennium Health	Negative Normal							
MDMB-FUBINACA-M1 [SCAN20_QUAL] Millennium Health	Negative Normal							
MDPV Quantification [MDPV1_QUAL] Millennium Health	Negative Normal							
Meperidine Quantification [16207-3] Millennium Health	Negative Normal							
Mephedrone Quantification [67838-3] Millennium Health	Negative Normal							
Meprobamate Quantification [58373-2] Millennium Health	Negative Normal							
Methadone Quantification [16199-2] Millennium Health	Negative Normal							
Methamphetamine D/L-isomer resolution Quantification [MTMDL_QUAL] Millennium Health	cancelled N/A							
Methamphetamine Quantification [19555-2] Millennium Health	Negative Normal							
Methoxyacetyl fentanyl Quantification [METHOXYACET_QUAL] Millennium Health	Fen Neg Normal							
Methylene Quantification [MDPV3_QUAL] Millennium Health	Negative Normal							

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
Methylphenidate Quantification [19578-4] Millennium Health	Negative Normal							
Mitragynine (Kratom alkaloid) Quantification [KRA1_QUAL] Millennium Health	Negative Normal							
Morphine Quantification [16196-8] Millennium Health	Negative Normal							
Naloxone Quantification [NLX_QUAL] Millennium Health	Negative Normal							
Naltrexol Quantification [NALTEX2_QUAL] Millennium Health	Negative Normal							
Naltrexone Quantification [18334-3] Millennium Health	Negative Normal							
N-Desmethylcitalopram Quantification [NDCIT_QUAL] Millennium Health	Negative Normal							
N-Desmethylclozapine Quantification [NDCLZOZ_QUAL] Millennium Health	Negative Normal							
N-Desmethyl-Tramadol Quantification [TRA3_QUAL] Millennium Health	Negative Normal							
N-desmethyl U-47700 Quantification [NDMU47700_QUAL] Millennium Health	Fen Neg Normal							
Norpseudorphanine Quantification [58362-5] Millennium Health	Negative Normal							
Nordiazepam Quantification [16202-4] Millennium Health	Negative Normal							
Norfentanyl Quantification [43200-5] Millennium Health	Negative Normal							

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
NorFluoxetine Quantification [19629-5] Millennium Health	Negative Normal							
Norhydrocodone Quantification [61421-4] Millennium Health	Negative Normal							
Norketamine Quantification [KETA2_QUAL] Millennium Health	Negative Normal							
Normeperidine Quantification [58388-0] Millennium Health	Negative Normal							
Noroxycodone Quantification [61424-8] Millennium Health	Negative Normal							
Norquetiapine Quantification [NQP_QUAL] Millennium Health	Negative Normal							
Nortriptyline Quantification [61427-1] Millennium Health	Negative Normal							
O-desmethyl-tramadol Quantification [TRA2_QUAL] Millennium Health	Negative Normal							
Olanzapine Quantification [OLAN_QUAL] Millennium Health	Negative Normal							
OPC-3373 Quantification [ARI2_QUAL] Millennium Health	Negative Normal							
Oxazepam Quantification [19639-4] Millennium Health	Negative Normal							
OXIDANT [32710-6] Millennium Health	normal-0 Normal							
Oxycodone Quantification [19643-6] Millennium Health	Negative Normal							

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
Oxymorphone Quantification [18325-1] Millennium Health	Negative Normal							
	Negative Normal							
Paroxetine Quantification [PAROX1_QUAL] Millennium Health	Negative Normal							
PH [58400-3] Millennium Health	normal-6.4 Normal	normal-6.4 Normal	normal-7.0 Normal	normal-7.3 Normal	normal-7.1 Normal	normal-6.6 Normal	normal-6.5 Normal	normal-6.6 Normal
Phencyclidine Quantification [18392-1] Millennium Health	Negative Normal							
Phenobarbital Quantification [16192-7] Millennium Health	Negative Normal							
Phentermine Quantification [PHEN_QUAL] Millennium Health	Negative Normal							
Pregabalin Quantification [PGAB2_QUAL] Millennium Health	Negative Normal							
Quetiapine Quantification [QP_QUAL] Millennium Health	Negative Normal							
RCS4 metabolite Quantification [SCAN13_QUAL] Millennium Health	Negative Normal							
Reduced Haloperidol Quantification [HALOM_QUAL] Millennium Health	Negative Normal							
Risperidone Quantification [RISP_QUAL] Millennium Health	Negative Normal							
Ritalinic Acid Quantification [MPH2_QUAL] Millennium Health	Negative Normal							
Secobarbital Quantification [16194-3] Millennium Health	Negative Normal							

Result Description ▲	08/22/2020	08/23/2020	08/24/2020	08/25/2020	08/26/2020	08/27/2020	08/28/2020	08/29/2020
	12:16 PM	12:20 PM	10:11 AM	10:21 AM	01:24 PM	01:55 PM	07:24 PM	03:28 PM
SPECIFIC GRAVITY [19152-8] Millennium Health	normal-1.033 Normal	normal-1.035 Normal	normal-1.016 Normal	normal-1.004 Normal	normal-1.015 Normal	normal-1.016 Normal	abnormal->1.045 Abnormal	normal-1.021 Normal
Tapentadol Quantification [58401-1] Millennium Health	Negative Normal	Negative Normal						
Temazepam Quantification [16206-5] Millennium Health	Negative Normal	Negative Normal						
Tramadol Quantification [17718-8] Millennium Health	Negative Normal	Negative Normal						
U-47700 Quantification [U47700_QUAL] Millennium Health	Fen Neg Normal	Fen Neg Normal						
Venlafaxine Quantification [VENLAF1_QUAL] Millennium Health	Negative Normal	Negative Normal						
XLR11/UR144 metabolite [SCAN17_QUAL] Millennium Health	Negative Normal	Negative Normal						
Zolpidem Quantification [53787-8] Millennium Health	Negative Normal	Negative Normal						

Supplemental Okorocha Declaration Exhibit B

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, vs. <u>Hamid Akhavan</u>	Plaintiff, Case Number: <u>2:20-MJ-01383-1</u> Initial App. Date: <u>03/27/2020</u> Initial App. Time: <u>2:00 PM</u>	<u>Western Division</u> <u>UNDER SEAL</u> <u>Out of District Affidavit</u> <u>Custody</u>
	Defendant. Date Filed: <u>03/27/2020</u> Violation: <u>18USC1349</u> CourtSmart/ Reporter: <u>C503/27/2020</u>	
PROCEEDINGS HELD BEFORE UNITED STATES MAGISTRATE JUDGE: <u>John E. McDermott</u>	CALENDAR/PROCEEDINGS SHEET LOCAL/OUT-OF-DISTRICT CASE	

PRESENT: <u>Lorenzo, ShaRon</u>	<u>M. Schierberl</u> Deputy Clerk Assistant U.S. Attorney	None Interpreter/Language
<p><input type="checkbox"/> INITIAL APPEARANCE NOT HELD - CONTINUED <input checked="" type="checkbox"/> Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and <input type="checkbox"/> preliminary hearing OR <input checked="" type="checkbox"/> removal hearing / Rule 20. <input checked="" type="checkbox"/> Defendant states true name <input checked="" type="checkbox"/> is as charged <input type="checkbox"/> is _____ <input type="checkbox"/> Court ORDERS the caption of the Indictment/Information be changed to reflect defendant's different true name. Counsel are directed to file all future documents reflecting the true name as stated on the record. <input type="checkbox"/> Defendant advised of consequences of false statement in financial affidavit. <input type="checkbox"/> Financial Affidavit ordered SEALED. <input checked="" type="checkbox"/> Attorney: <u>Stephanie Ames, PA</u>, <input type="checkbox"/> Appointed <input type="checkbox"/> Prev. Appointed <input type="checkbox"/> Poss. Contribution (see separate order) <input type="checkbox"/> Special appearance by: <u>RDA</u>. <input type="checkbox"/> Government's request for detention is: <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> WITHDRAWN <input type="checkbox"/> CONTINUED <input type="checkbox"/> Defendant is ordered: <input type="checkbox"/> Permanently Detained <input type="checkbox"/> Temporarily Detained (see separate order). <input checked="" type="checkbox"/> BAIL FIXED AT \$ <u>5,000,000</u> - (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS) <input type="checkbox"/> Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> Preliminary Hearing waived. <input type="checkbox"/> Class B Misdemeanor <input type="checkbox"/> Defendant is advised of maximum penalties <input type="checkbox"/> This case is assigned to Magistrate Judge _____ . Counsel are directed to contact the clerk for the setting of all further proceedings. <input type="checkbox"/> PO/PSA WARRANT <input type="checkbox"/> Counsel are directed to contact the clerk for District Judge _____ for the setting of further proceedings. <input type="checkbox"/> Preliminary Hearing set for _____ at 4:30 PM _____ <input type="checkbox"/> PIA set for: _____ at 11:00 AM in LA; at 10:00 AM in Riverside; at 10:00 AM in Santa Ana <input type="checkbox"/> Government's motion to dismiss case/defendant _____ only: <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input type="checkbox"/> Defendant's motion to dismiss for lack of probable cause: <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> Defendant executed Waiver of Rights. <input checked="" type="checkbox"/> Process received. <input type="checkbox"/> Court ORDERS defendant Held to Answer to _____ District of _____ <input type="checkbox"/> Bond to transfer, if bail is posted. Defendant to report on or before _____ <input type="checkbox"/> Warrant of removal and final commitment to issue. Date issued: _____ By CRD: _____ <input type="checkbox"/> Warrant of removal and final commitment are ordered stayed until _____ <input type="checkbox"/> Case continued to (Date) _____ (Time) _____ AM / PM Type of Hearing: _____ Before Judge _____ /Duty Magistrate Judge. Proceedings will be held in the <input type="checkbox"/> Duty Courtroom _____ <input type="checkbox"/> Judge's Courtroom _____ <input checked="" type="checkbox"/> Defendant committed to the custody of the U.S. Marshal <input type="checkbox"/> Summons: Defendant ordered to report to USM for processing. <input type="checkbox"/> Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM. <input type="checkbox"/> Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM. <input checked="" type="checkbox"/> RELEASE ORDER NO: <u>returned to residential treatment program</u> <input checked="" type="checkbox"/> Other: <u>Govt states dft should appear on 4/28/2020 @ 2pm EST in charging district.</u> <input type="checkbox"/> PSA <input type="checkbox"/> USPO <input type="checkbox"/> FINANCIAL <input checked="" type="checkbox"/> READY <u>Retained counsel</u> Deputy Clerk Initials: <u>S/O</u> <u>09</u></p>		

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case Name: United States of America v.

Hamid AkhavanCase No. 20MJ01383 Defendant Material Witness

Violation of Title and Section:

18 USC 1349 Summons Out of District UNDER SEAL Modified Date: _____Check only one of the five numbered boxes below (unless one bond is to be replaced by another):1. Personal Recognizance (Signature Only)2. Unsecured Appearance Bond

\$ _____

3. Appearance Bond\$ 5,000,000(a). Cash Deposit (Amount or %) (Form CR-7)250,000(b). Affidavit of Surety Without Justification (Form CR-4) Signed by:Mahmoud AkhavanAntonia AkhavanMehry Wejad5,000,000Joint & severable(c). Affidavit of Surety With Justification (Form CR-3) Signed by:2,000,000 With Full Deeding of Property:2002 Subida Terrace
Carlsbad Ca 92009
7619 Romeria Avenue
Carlsbad Ca 92009
3112 Azahar Street
Carlsbad Ca 920094. Collateral Bond in the Amount of (Cash or Negotiable Securities):

\$ _____

5. Corporate Surety Bond in the Amount of:

\$ _____

Release No.

38147 Release to Pretrial ONLY
 Release to Probation ONLY
 Forthwith Release All Conditions of Bond (Except Clearing-Warrants Condition) Must be Met and Posted by:4/28/2020 Third-Party Custody Affidavit (Form CR-31) Bail Fixed by Court:JEM / slo

(Judge / Clerk's Initials)

PRECONDITIONS TO RELEASE

 The government has requested a Nebbia hearing under 18 U.S.C. § 3142(g)(4). The Court has ordered a Nebbia hearing under § 3142 (g)(4). The Nebbia hearing is set for _____ at _____ a.m. p.m.

ADDITIONAL CONDITIONS OF RELEASE

In addition to the GENERAL CONDITIONS of RELEASE, the following conditions of release are imposed upon you:

 Submit to: Pretrial Services Agency (PSA) supervision as directed by PSA; Probation (USPO) supervision as directed by USPO.
(The agency indicated above, PSA or USPO, will be referred to below as "Supervising Agency.") Surrender all passports and travel documents to Supervising Agency no later than _____, sign a Declaration re Passport and Other Travel Documents (Form CR-37), and do not apply for a passport or other travel document during the pendency of this case. Travel is restricted to CDCal, SDNY, EDNY and points in between to travel to and from court/lawyer unless prior permission is granted by Supervising Agency to travel to a specific other location. Court permission is required for international travel. Reside as approved by Supervising Agency and do not relocate without prior permission from Supervising Agency. Maintain or actively seek employment and provide proof to Supervising Agency. Employment to be approved by Supervising Agency. Maintain or begin an educational program and provide proof to Supervising Agency.Defendant's Initials: H.ADate: 3/27/2020

PAGE 1 OF 4

Case Name: United States of America v. _____

Case No. _____

 Defendant Material Witness

Avoid all contact, directly or indirectly (including by any electronic means), with any person who is a known victim or witness in the subject investigation or prosecution, including but not limited to _____ ; except _____.

Avoid all contact, directly or indirectly (including by any electronic means), with any known codefendants except in the presence of counsel. Notwithstanding this provision, you may contact the following codefendants without your counsel present:

Do not possess any firearms, ammunition, destructive devices, or other dangerous weapons. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not use or possess any identification, mail matter, access device, or any identification-related material other than in your own legal or true name without prior permission from Supervising Agency. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not engage in telemarketing.

Do not sell, transfer, or give away any asset valued at \$ 1,000 or more without notifying and obtaining permission from the Court, except _____.

Do not engage in tax preparation for others.

Do not use alcohol.

Participate in the electronic remote alcohol monitoring program as directed by Supervising Agency and abide by all the rules and requirements of the program. You must pay all or part of the costs for treatment based upon your ability to pay as determined by Supervising Agency.

Do not use or possess illegal drugs or state-authorized marijuana. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not use for purposes of intoxication any controlled substance analogue as defined by federal law or street, synthetic, or designer psychoactive substance capable of impairing mental or physical functioning more than minimally, except as prescribed by a medical doctor.

Submit to: drug and/or alcohol testing. If directed to do so, participate in outpatient treatment approved by Supervising Agency. You must pay all or part of the costs for testing and treatment based upon your ability to pay as determined by Supervising Agency.

Participate in residential drug and/or alcohol treatment as directed by Supervising Agency. You must pay all or part of the costs of treatment based upon your ability to pay as determined by Supervising Agency. Release to PSA only Release to USPO only

Submit to a mental health evaluation. If directed to do so, participate in mental health counseling and/or treatment approved by Supervising Agency. You must pay all or part of the costs based upon your ability to pay as determined by Supervising Agency.

Participate in the Location Monitoring Program and abide by all of the requirements of the program, under the direction of Supervising Agency, which will or will not include a location monitoring bracelet. You must pay all or part of the costs of the program based upon your ability to pay as determined by Supervising Agency. You must be financially responsible for any lost or damaged equipment.

Location monitoring only - no residential restrictions;

-or-

You are restricted to your residence every day:

from _____ a.m. p.m. to _____ a.m. p.m.
 as directed by Supervising Agency;

-or-

Defendant's Initials: H.A Date: 3/27/2020
 PAGE 2 OF 4

Case Name: United States of America v. _____

Case No. _____

 Defendant Material Witness

You are restricted to your residence at all times except for medical needs or treatment, attorney visits, court appearances, and _____, all of which must be preapproved by Supervising Agency;

Release to PSA only Release to USPO only

You are placed in the third-party custody (*Form CR-31*) of _____.

Clear outstanding warrants or DMV and traffic violations and provide proof to Supervising Agency within _____ days of release from custody.

Do not possess or have access to, in the home, the workplace, or any other location, any device that offers internet access except as approved by Supervising Agency. In order to determine compliance, you agree to submit to a search of your person and/or property by Supervising Agency in conjunction with the U.S. Marshal.

Do not associate or have verbal, written, telephonic, electronic, or any other communication with any person who is less than the age of 18 except in the presence of a parent or legal guardian of the minor.

Do not loiter or be found within 100 feet of any schoolyard, park, playground, arcade, or other place primarily used by children under the age of 18.

Do not be employed by, affiliated with, own, control, or otherwise participate directly or indirectly in the operation of any daycare facility, school, or other organization dealing with the care, custody, or control of children under the age of 18.

Do not view or possess child pornography or child erotica. In order to determine compliance, you agree to submit to a search of your person and/or property, including computer hardware and software, by Supervising Agency in conjunction with the U.S. Marshal.

Other conditions:

Residence at inpatient treatment facility for time determined by inpatient program followed by immediate home incarceration upon release from the inpatient treatment facility

GENERAL CONDITIONS OF RELEASE

I will appear in person in accordance with any and all directions and orders relating to my appearance in the above entitled matter as may be given or issued by the Court or any judicial officer thereof, in that Court or before any Magistrate Judge thereof, or in any other United States District Court to which I may be removed or to which the case may be transferred.

I will abide by any judgment entered in this matter by surrendering myself to serve any sentence imposed and will obey any order or direction in connection with such judgment as the Court may prescribe.

I will immediately inform my counsel of any change in my contact information, including my residence address and telephone number, so that I may be reached at all times.

I will not commit a federal, state, or local crime during the period of release.

I will not intimidate any witness, juror, or officer of the court or obstruct the criminal investigation in this case. Additionally, I will not tamper with, harass, or retaliate against any alleged witness, victim, or informant in this case. I understand that if I do so, I may be subject to further prosecution under the applicable statutes.

I will cooperate in the collection of a DNA sample under 42 U.S.C. § 14135a.

Defendant's Initials: H.ADate: 3/27/2020

PAGE 3 OF 4

Case Name: United States of America v.

Case No.

Defendant Material Witness

ACKNOWLEDGMENT OF DEFENDANT/MATERIAL WITNESS

As a condition of my release on this bond, pursuant to Title 18 of the United States Code, I have read or have had interpreted to me and understand the general conditions of release, the preconditions, and the additional conditions of release and agree to comply with all conditions of release imposed on me and to be bound by the provisions of Local Criminal Rule 46-6.

Furthermore, it is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which will continue in full force and effect until such time as duly exonerated.

I understand that violation of any of the general and/or additional conditions of release of this bond may result in a revocation of release, an order of detention, and a new prosecution for an additional offense which could result in a term of imprisonment and/or fine.

I further understand that if I fail to obey and perform any of the general and/or additional conditions of release of this bond, this bond may be forfeited to the United States of America. If said forfeiture is not set aside, judgment may be summarily entered in this Court against me and each surety, jointly and severally, for the bond amount, together with interest and costs. Execution of the judgment may be issued or payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States, and any cash or real or personal property or the collateral previously posted in connection with this bond may be forfeited.

3-27-2020

317-779-5295

Date

Signature of Defendant / Material Witness

Telephone Number

Los Angeles

City and State (DO NOT INCLUDE ZIP CODE)

Check if interpreter is used: I have interpreted into the _____ language this entire form
and have been told by the defendant that he or she understands all of it.

Interpreter's Signature

Date

Approved:

United States District Judge / Magistrate Judge

Date

If cash deposited: Receipt # _____ for \$ _____

(This bond may require surety agreements and affidavits pursuant to Local Criminal Rule 46.)

Defendant's Initials: A/A

Date: 3/27/2020

PAGE 4 OF 4

EXHIBIT B

BERNADINE FRIED, M.F.T

MARRIAGE FAMILY THERAPIST

329 NORTH WETHERLY DRIVE #207
BEVERLY HILLS, CALIFORNIA 90211
OFFICE: (323) 656-7769
LICENSE: LMFT 31210

September 2, 2020

The Honorable Jed R. Rakoff
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Patient Hamid "Ray" Akhavan

Dear Judge Rakoff:

I write this letter to you on behalf of my patient, Ray Akhavan. I began daily hour-long phone sessions with Mr. Akhavan on Saturday, August 29, 2020. The purpose of our sessions is to develop a continuing recovery plan for his self-reported poly-substance dependence.

I am a licensed Marriage and Family Therapist (LMFT) with a private practice dedicated to treating addiction, trauma, and other related issues. I am also the Clinical Director of the Red Door Treatment Center, which uses evidence-based methods for recovery from drug and alcohol addiction.

I am assembling a multidisciplinary team of professionals to work with Mr. Akhavan and putting together an extensive continued recovery plan for Mr. Akhavan, that would include the following:

1. I will provide daily individual sessions to work on impulse control and distress tolerance skills.

BERNADINE FRIED, M.F.T

MARRIAGE FAMILY THERAPIST

329 NORTH WETHERLY DRIVE #207
BEVERLY HILLS, CALIFORNIA 90211
OFFICE: (323) 656-7769
LICENSE: LMFT 31210

2. I will teach Mr. Akhavan recovery skills using mindful meditation, Cognitive Behavioral Therapy ("CBT"), and Dialectic Behavioral Therapy for Substance Use Disorders ("DBTs").
3. I will be using an effective therapeutic technique named "Eye Movement Desensitization Reprocessing ("EMDR") to address his complex post-traumatic stress disorder and emotional and physical abuse in his childhood.
4. Our family therapist will provide weekly family therapy sessions with Mr. Akhavan's children and ex-wife.
5. Mr. Akhavan will attend one and a half hour Intensive Outpatient Therapy sessions three times a week on healthy relationships, addiction, and life skills.
6. Our team members currently conduct supervised urine tests, send the samples to Millennium Health in San Diego, California, analyze the tests, and provide the results to the Court when requested.
7. Mr. Akhavan will continue to attend virtual Narcotics Anonymous and Alcoholics Anonymous classes, which will help him have a sober support system.
8. Mr. Akhavan will continue to have the support of a sober living coach who resides with Mr. Akhavan. The Red Door Life's sober coach provides containment and monitoring to help him maintain his recovery.

Mr. Akhavan is self-motivated and compliant in all of the recovery plans thus far. I believe he is dedicated and committed to his recovery. Remanding Mr. Akhavan to custody at this time would be a massive interruption to the recovery plan I've developed. He would be unable to participate in family therapy sessions and receive treatment for his Complex Posttraumatic Stress Disorder.

I have 25 years of experience working in addiction treatment; the treatment services provided while in custody pale compared to the extensive individual, group, and family sessions, and other support that Mr. Akhavan requires for his treatment.

BERNADINE FRIED, M.F.T

MARRIAGE FAMILY THERAPIST

329 NORTH WETHERLY DRIVE #207
BEVERLY HILLS, CALIFORNIA 90211
OFFICE: (323) 656-7769
LICENSE: LMFT 31210

If you need further information, I can be reached on my mobile phone at 213.880.7773.

Sincerely,



Bernadine Fried, LMFT